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September 15, 2021

***Via ECF***

Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
NY, NY 10007

**APPLICATION GRANTED  
SO ORDERED**   
**VERNON S. BRODERICK**  
**U.S.D.J.** 9/16/2021

Re: *Resurrect by Night LLC v. Philipp Plein Americas, Inc., et al.*, No.1:21-cv-04948 (VSB), Letter Motion for Leave to Serve Third-Party Subpoenas Prior to F.R.C.P. Rule 26 Conference

Dear Judge Broderick:

We represent the Plaintiff in the above-referenced matter. This is a copyright infringement case; per Plaintiff's complaint, the Defendants manufacture, advertise and sell a wide array of clothing that infringes upon two of Plaintiff's copyrighted designs. The Defendants advertise and sell the infringing products on multiple online platforms, reaching a worldwide audience. This case was filed on June 4, 2021, and all three Defendants have been served. To date, none of the Defendants have answered or appeared, and the time in which to do so has expired. Plaintiff has filed Motions for Entry of Default against each Defendant. ECF Nos. 17-19.

Plaintiff writes to request the Court's permission to issue third-party subpoenas to entities that sell the infringing products. Because none of the Defendants have appeared, there has been no case management plan and scheduling order set for this matter, and Plaintiff has not had the opportunity to begin discovery. Plaintiff will request sales information on the infringing products with the subpoenas and plans to use this information to help calculate damages for Plaintiff's order to show cause for default judgment.

On August 2, 2021, the Court granted Plaintiff's request for a 90-day extension to file an order to show cause for default against Defendant PP Retail USA, LLC. E.C.F. Nos. 12-13. With that 90-day extension, the filing deadline is now November 5, 2021. As noted above, at this point the other two Defendants are also in default. Plaintiff anticipates that if it is permitted to conduct third-party discovery through subpoenas, Plaintiff will be able to file the order to show cause for default judgment for all three Defendants by the November 5, 2021 deadline.

We thank Your Honor in advance for your attention to this matter.

Respectfully submitted,

/s/ Christopher M. Van de Kieft  
Christopher M. Van de Kieft